



APPROPRIATIONS & CROSSCUTTING WEEKLY NEWS

Office of Congressional and Intergovernmental Relations

Week Ending January 26, 2018

Budget Bottleneck Back in Play

Prospects for unclogging a budget bottleneck by next month went from bad to worse Wednesday, as an immigration fight threatened to delay any resolution until the spring.

It is possible that the government is likely to continue running on stopgap funding into the spring because any potential deal on new spending limits may have to await a deal on immigration. Democrats have made protection for immigrant "Dreamers," who were brought to the U.S. illegally as children, a prerequisite for any final budget deal.

In agreeing to that stopgap, congressional leaders had said they were hoping to get a deal on spending limits and immigration by the time the latest batch of funding expires. But some on the hill have put that timetable in further doubt Wednesday, pointing to the time needed to reach an immigration deal that satisfies Democrats could preclude a spending agreement within the next three weeks. If agreement cannot be reached on DACA, lawmakers run the risk of another shutdown, a yearlong CR through Sept. 30, or some type of hybrid measure with certain agencies' funding ending up in a CR.

Even if an agreement to raise spending limits were reached by early March, the appropriations committees typically need about three weeks from that point to write a catchall spending package for the remainder of the fiscal year. Congress could then take another week to get it passed.

Those time requirements suggest there may not be a final fiscal 2018 spending package, which was due last October, until late March or April.

HQ Staffing Announcements:

Science Advisory Board Staff Office (SABSO)

Tom Brennan was named as the Acting Director of the SAB Staff Office effective February 5, 2018. Tom will return to the SABSO to resume his new role after previously serving as the Deputy Director and more recently as Chief of Staff for the Office of Public Engagement and Environmental Education. The current director Chris Zarba, will retire February 2, 2018, after 38 years of service at EPA. His commitment, dedication and exuberance will be missed.

Office of the Chief Financial Officer (OCFO)

Diane Kelly, Chief of Staff—OCFO, will be attending the Federal Executive Institute's Leadership for a Democratic Society training program Feb 5—Mar 2, 2018. Meshell Jones-Peeler, Director of the Policy, Training and Accountability Division in the Office of the Controller, will serve as Acting OCFO Chief of Staff.

Malena Brookshire has been selected to serve as the Acting Deputy Controller, a position that is currently vacant. Malena currently serves as the Deputy Director for the Office of Planning, Analysis and Accountability. OPAA plans to issue a OCFO-wide Talent Hub announcement to advertise a competitive detail to fill the Deputy Director position while Malena is on detail.

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President's FY19 Budget Request Delayed This Year

Without a final budget for fiscal 2018, the Trump administration announced plans Wednesday to proceed with a fiscal 2019 spending plan next month anyway. Under the 1974 budget act that created the modern budget process (PL 93-344), the president is required by statute to submit a budget request for each new fiscal year by the first Monday in February.

The administration plans to miss that deadline by a week, unveiling its request on Feb. 12. The Office of Management and Budget attributed the delay to the recent government shutdown. With no deal yet on spending limits, the Congressional Budget Office is delaying its annual 10-year projection of spending and revenue, normally released in January, until February or March.



The Government Accountability Office (GAO) today released the following:

PRESS RELEASE

GAO Adds Government-wide Personnel Security Clearance Process to "High Risk List"

January 25

Release: https://www.gao.gov/press/high_risk_security_clearance_process.htm

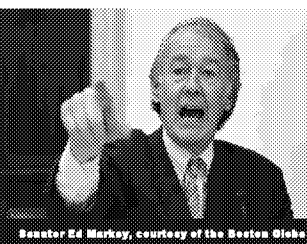


REPORT

Follow-Up Review: EPA Completed OIG Recommendations for Superfund Site in Libby, Montana

January 24, 2018

The EPA took corrective actions that enabled the Libby toxicity assessment to be completed with transparency and that provided stakeholders with important human exposure information. For more information, please click on the link above.



In Other News— On Tuesday, Jan 23, Sen. Edward Markey, D-MA, chairman of the Senate Climate Task Force and a member of the Senate Environment and Public Works Committee, held a discussion with former EPA staff on the "willful neglect of the mission" of the EPA to "provide basic enforcement and investigations of

violations". Participants included Jeff Ruch, executive director of Public Employees for Environmental Responsibility, on behalf of Tom Ripp, formerly of the EPA's Compliance Assurance Program; Mike Walker, former director of the EPA's National Enforcement Training Institute; and Mustafa Santiago Ali, senior vice president of climate, environmental justice and community revitalization with the Hip Hop Caucus, former assistant associate administrator for environmental justice and senior adviser for environmental justice and community revitalization at the EPA.

A Budget Engagement in Brief

Announcing EPA's First Annual Budget Symposium

Traditionally, with the announcement of the Annual President's Budget Request each year, OCIR, along with program office staff, goes to the hill to brief Congressional committees on the Agency's budget. Unfortunately, this oftentimes involves multiple trips out of the office, to poorly attended briefings, during the height of preparation for upcoming budget hearings. To increase operational efficiencies and reduce workload redundancies, the Appropriations and CrossCutting Team has offered to lead the effort to host stakeholders by developing a budget symposium to be held onsite at the Agency's Washington, DC facilities during mid February. Additional information will be provided as more specific information becomes available.

WORKFLOW

LRMS:

RD-115-175: Justice talking points on HR 469 Internal deadline: 1/26 @ 10 am.

Budget Symposium: POC: C.Moody

OMB Review(s):

Report to Congress: Small Business Regulatory Enforcement Fairness Act (SBREFA) status of the EPA's provision of small entity compliance guides. *POC: T. Williams*

Report to Congress: IRIS Program. *POC: T. Williams*

Scheduling/Meetings/Congressional Briefing:

SEPW Minority staff requested a briefing on reported potential changes to the IRIS program budget and staffing.

POC: C. Moody

HSST: Majority staff request to talk about HONEST ACT implementation. *POC: L. Gomez*

UPCOMING HEARINGS

Oversight Hearing to Receive Testimony from Environmental Protection Agency -

Administrator Scott Pruitt

January 30, 2018 10:00 AM

The Senate Committee on Environment and Public Works will hold a full committee hearing entitled "*Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt.*"



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

Appropriations & Crosscutting Team

Christina J. Moody
Team Leader
Moody.Christina@epa.gov;
202.564.0260

Thea Williams
Congressional Liaison
Williams.Thea@epa.gov;
202.564.2064

Laura Gomez,
Congressional Liaison
Gomez.Laura@epa.gov;
202.564.4707

Reducing Regulatory Burdens: EPA withdraws “once-in always-in” policy for major sources under Clean Air Act

WASHINGTON (January 25, 2018) – Today, the U.S. Environmental Protection Agency (EPA) issued a guidance memorandum withdrawing the “once-in always-in” policy for the classification of major sources of hazardous air pollutants under section 112 of the Clean Air Act. With the new guidance, sources of hazardous air pollutants previously classified as “major sources” may be reclassified as “area” sources when the facility limits its

This guidance is based on a plain language reading of the statute that is in line with EPA’s guidance for other provisions of the Clean Air Act,” **said Bill Wehrum, assistant administrator of EPA’s Office of Air and Radiation.** “It will reduce regulatory burden for industries and the states, while continuing to ensure stringent and effective controls on hazardous air pollutants.”

Today’s memo is another step by which EPA is reducing unnecessary regulatory burdens that deterred innovative efforts to improve the environment. The “once in always in” policy has been a longstanding disincentive for sources to implement voluntary pollution abatement and prevention efforts, or to pursue technological innovations that would reduce hazardous air pollution emissions. States, state organizations and industries have frequently requested rescission of this policy, which was one of the most commonly cited requests in response to President Trump’s Executive Order 13777. Today’s EPA action is an important step in furtherance of the president’s regulatory reform agenda while providing a meaningful incentive for investment in HAP reduction activities and technologies.

The Clean Air Act defines a “major source” as a one that emits, or has the potential to emit, 10 tons per year of any hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutants. Sources with emissions below this threshold are classified as “area sources.” Different control standards apply to the source depending on whether or not it is classified as a “major source” or an “area source.”

In a 1995 memo, EPA established a “once-in always-in” policy that determined that any facility subject to major source standards would always remain subject to those standards, even if production processes changed or controls were implemented that eliminated or permanently reduced that facility’s potential to emit hazardous air pollutants.

Today’s memo finds that EPA had no statutory authority under the Clean Air Act to place a time limit on when a facility may be determined to be an area source, and that a plain language reading of the Act must allow facilities to be reclassified as area sources once their potential to emit hazardous air pollutants falls below the levels that define major sources.

EPA anticipates that it will soon publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA’s plain language reading of the statute as discussed in this memorandum.

More information is available online at <https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9>